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Patent
Attorney's Docket No. 028870-131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

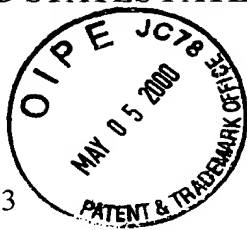
In re Patent Application of

David C. Greenspan et al.

Application No.: 09/164,293

Filed: October 1, 1998

For: Composition and Method for
Acceleration of Wound and Burn Healing)



) Group Art Unit: 1615

) Examiner: P. S. WEBBER

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Office Action mailed April 24, 2000, Applicants respectfully traverse the Restriction Requirement. According to the Office Action, Applicants must elect either Group I, directed to wound or burn dressing claims 12-13, 18-21 and 24-26, or Group II, directed to apparatus claims 22-23.

Applicants respectfully traverse the requirement as improper at this point in the prosecution of the application. According to MPEP 811, an examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible, otherwise, as soon as the need for a proper requirement develops. The claims subject to restriction now have been present in the application since the filing date, but were not previously subject to restriction. These claims have been twice rejected in substantive office actions, which have been responded to by Applicants. The restriction requirement states that the election by Applicants is necessary because the inventions are distinct and the search required for Group I is not required for Group II. However, at least one search has already been conducted on all of the claims in view of the two office actions already issued in this case on the merits. Moreover, in light of Applicants' response filed January 14, 2000, the claims are in condition for allowance, and should not be divided at this late date. In view of the timing of the restriction requirement, Applicants respectfully request that the requirement be withdrawn and prosecution on all the claims be allowed to continue.

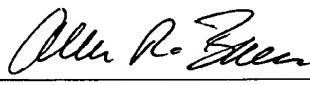
Serial No. 09/164,293

In complete response to the restriction requirement, Applicants elect the claims of Group I, 12-13, 18-21, and 24-26, for prosecution in the above-identified application with traverse.

Applicants reserve the right to file a divisional application covering the subject matter of the non-elected claims.

Respectfully submitted,

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